Federal Defenders
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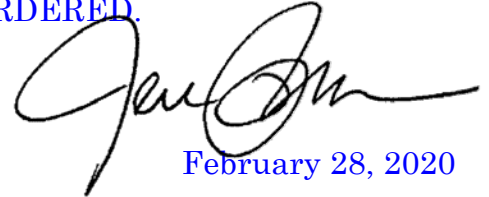David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

February 27, 2020

<u>**Via ECF**</u>
The Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Street
New York, New York 10007

In light of Defendant's objection, the April 21st trial date will remain in effect. The Court will address the implications of that when trial gets closer. SO ORDERED.

February 28, 2020

Re: **United States v. German Marmolejos**
      18 CR 303 (JMF)

Hon. Judge Furman:

Yesterday the Court notified the parties that there is a potential conflict with the current date that Mr. Marmolejos is scheduled to begin trial, April 21, 2020. The Court indicated that by April 13, 2020 the parties would be informed whether the trial could proceed on the 21st and that if the trial could not proceed on the 21st, the trial would instead take place beginning on May 6, 2020.

The defense objects to proceeding is this fashion. Counsel for Mr. Marmolejos needs advanced notice of the trial date so that we can plan and structure the rest of our schedules accordingly. More critically, we anticipate putting forth evidence at trial including expert and professional witnesses. We don't believe it is feasible to give such witnesses one week notice of the date their testimony would be required and also not feasible to require that professional witnesses keep multiple weeks free in their schedule in order to accommodate alternate trial dates.

Unfortunately, defense counsel is not available on the backup trial date of May 6, 2020. I am counsel of record in <u>US v. Balde</u>, 16 CR 130. Trial in that matter is scheduled to begin on May 11, 2020 before Judge Failla.

Respectfully submitted,
 /s/
Jennifer Willis
Assistant Federal Defender
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Cc: AUSA Daniel Nessim (via ECF)
      AUSA Peter Davis (via ECF)